

The Hon. Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

SCOTT SALLEY,

Defendant.

NO. CR20-220-RSL

**PRELIMINARY ORDER OF  
FORFEITURE**

THIS MATTER comes before the Court on the United States' Motion for Preliminary Order of Forfeiture ("Motion") seeking to forfeit, to the United States, Defendant Scott Salley's interest in the following property:

- a Western Digital Sata 320 GB hard drive, Serial # WMAV25095932.

The Court, having reviewed the United States' Motion, as well as the other papers and pleadings filed in this matter, hereby FINDS entry of a Preliminary Order of Forfeiture is appropriate because:

- The above-identified property is forfeitable pursuant to 18 U.S.C. § 2253(a), as it consists of prohibited images and/or property Defendant used to commit or to facilitate his commission of Receipt of Child

Pornography, in violation of 18 U.S.C. § 2252(a)(2) and (b)(1); and,

- Pursuant to the Plea Agreement he entered on October 17, 2022, Defendant agreed to forfeit his interest in this property pursuant to 18 U.S.C. § 2253(a). Dkt. No. 44, ¶ 13.

NOW, THEREFORE, THE COURT ORDERS:

1) Pursuant to 18 U.S.C. § 2253(a) and his Plea Agreement, Defendant's interest in the above-identified property is fully and finally forfeited, in its entirety, to the United States;

2) Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will be final as to Defendant at the time he is sentenced, it will be made part of the sentence, and it will be included in the judgment;

3) The United States Department of Justice, Federal Bureau of Investigation (FBI), and/or its authorized agents or representatives shall maintain the above-identified electronics in its custody and control until further order of this Court. FBI shall destroy any prohibited images unless they have been destroyed already or will be retained for official, investigative use, as permitted by 21 U.S.C §§ 853(i) and 881(e);

4) Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the United States shall publish notice of this Preliminary Order and its intent to dispose of the electronics as permitted by governing law. The notice shall be posted on an official government website – currently [www.forfeiture.gov](http://www.forfeiture.gov) – for at least thirty (30) days. For any person known to have alleged an interest in the electronics, the United States shall, to the extent possible, provide direct written notice to that person. The notice shall state that any person, other than the Defendant, who has or claims a legal interest in the electronics must file a petition with the Court within sixty (60) days of the first day of publication of the notice (which is thirty (30) days from the last day of publication), or within thirty (30)

1 days of receipt of direct written notice, whichever is earlier. The notice shall advise all  
2 interested persons that the petition:

3 a. shall be for a hearing to adjudicate the validity of the petitioner's alleged  
4 interest in the electronics;

5 b. shall be signed by the petitioner under penalty of perjury; and,

6 c. shall set forth the nature and extent of the petitioner's right, title, or interest  
7 in the electronics, as well as any facts supporting the petitioner's claim and  
8 the specific relief sought.

9 5) If no third-party petition is filed within the allowable time period, the  
10 United States shall have clear title to the electronics, and this Preliminary Order shall  
11 become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

12 6) If a third-party petition is filed, upon a showing that discovery is necessary  
13 to resolve factual issues it presents, discovery may be conducted in accordance with the  
14 Federal Rules of Civil Procedure before any hearing on the petition is held. Following  
15 adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture,  
16 pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that  
17 adjudication; and,

18 7) The Court will retain jurisdiction for the purpose of enforcing this  
19 Preliminary Order, adjudicating any third-party petitions, entering a Final Order of  
20 Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to  
21 Fed. R. Crim. P. 32.2(e).

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1 IT IS SO ORDERED.

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3 DATED this 3rd day of January, 2023.

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5  
6 THE HON. ROBERT S. LASNIK  
7 UNITED STATES DISTRICT JUDGE  
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10 Presented by:

11 s/Jehiel I. Baer

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